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Remarks

The Office Action mailed October 1, 2003 has been received and reviewed. Claims 50-60 having been cancelled, claims 1, 31, and 37 having been amended, and claims 61-80 having been added, the pending claims are claims 1-49 and 61-80. Reconsideration and withdrawal of the rejections are respectfully requested.

Support for the amendments to the claims can be found in the originally filed application, including claims. For example, support for the amendment to claim 1 can be found at pages 15 and 16, and support for the amendments to claim 31 can be found at page 23, lines 31-34, and at page 32, lines 19-22.

Support for the new claims can be found in the originally filed application, including claims. For example, support for new claims 63-65 can be found at page 33, lines 5-13, support for claims 71-73 can be found at page 40, lines 21-27 and page 42, support for new claim 75 can be found at page 7, lines 26-27, and support for new claim 76 can be found at pages 27, 28, and 30.

Affirmation of Provisional Election

The Examiner issued a Restriction Requirement under 35 U.S.C. §121 in the above-identified application, grouping the claims as follows: Group I, Claims 1-49 drawn to film-forming composition, Group II, Claims 50-58 drawn to method of disinfecting tissue, and Group III, Claims 59-60, drawn to film-forming polymer. Claims 50-60 have been cancelled.

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The 35 U.S.C. §103 Rejection

The Examiner rejected claims 1-49 under 35 U.S.C. §103(a) as being unpatentable over Hayama et al. (U.S. Patent No. 6,123,933) and Reckitt (GB 2 344 977A). Each of the independent claims having been amended, this rejection is rendered moot. Insofar as it applies to the presently pending claims, it is respectfully traversed.

Hayama et al. is directed to compositions for hair. There is no teaching or suggestion that the composition of Hayama et al. would form a dry film (on skin) and be substantive, as recited in independent claims 1 and 37. Although a shampoo and hair spray of Hayama et al. would contact the skin, Hayama et al. do not discuss the compatibility of the disclosed polymers with skin in leave-on situations. Hayama et al. specifically wants the compositions to easily wash out of the hair. At column 1, lines 55-56, Hayama states "*There is increasingly a demand for a hair cosmetic composition which can be removed easily by washing of the hair...*" Therefore, one skilled in the art would not be motivated to use hair care compositions that wash off easily to make compositions which are substantive to skin (as recited in claims 1 and 37).

With respect to claim 31, the composition includes an active agent present in an amount of at least about 0.25% by weight of the total composition, and the composition is substantially free of volatile organic solvents. Hayama et al. disclose some active agents, but the ranges of concentrations are not generally disclosed. Where amounts are specifically disclosed, the antimicrobial agents in Hayama et al. appear to be for preservation, as indicated by the 0.1% by weight concentration in Example 1 (see column 18, line 45, "antiseptic"), or include ethanol (see, e.g., Example 5), which is a volatile organic solvent (see, Applicants' specification at page 32, lines 19-22).

Thus, the presently pending claims are neither disclosed nor suggested by Hayama et al. Furthermore, Reckitt does not add that which is missing from Hayama et al. And, there is no motivation to combine Hayama et al. and Reckitt because these documents are in totally different art areas. Reckitt is directed to a hard surface disinfectant composition, whereas Hayama et al. is directed to compositions for hair.

Thus, it is respectfully requested that the rejection of the claims in view of Hayama et al. and Reckitt be removed.

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New Claims

The new claims are not disclosed in Hayama et al., Reckitt, or a combination thereof. For example, with respect to new claim 63, Hayama et al. do not disclose use of a buffer whatsoever and does not discuss pH. A buffer is important in contributing to the stability of the composition. Also, with respect to claim 71, neither cited document discloses formulations to which adhesive products, particularly, medical adhesive products, will adhere. The other new claims are also free from the teachings and suggestions of the cited documents, either alone or in combination.

Summary

It is respectfully submitted that the pending claims 1-49 and 61-80 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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